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10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF WASHINGTON

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13
14 UNITED STATES OF AMERICA,
15
16 Plaintiff,
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18 v.
19
20 WILLIAM OLDHAM MIZE, IV,
21
22 Defendant.

Case Nos. 2:18-CR-232-TOR-1
2:19-CR-0021-TOR
2:20-CR-0144-TOR
2:20-CR-0145-TOR

**DEFENDANT'S *UNOPPOSED*
MOTION TO CONTINUE TRIAL
DATE AND PRETRIAL
DEADLINES AND REQUEST
FOR EXPEDITED HEARING**

Without Oral Argument
March 6, 2024 at 6:30 pm

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26 COMES NOW, Defendant William Oldham Mize, IV, by and through his
27 attorney of record, Andrew M. Wagley of Etter, McMahon, Lamberson, Van
28 Wert & Oreskovich, P.C., and hereby submits the following Motion to Continue
29 Trial Date and Pretrial Deadlines. Mr. Mize also respectfully requests that the
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1 Court hear this Motion on shortened time and prior to the Pretrial Conference
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3 scheduled for March 20, 2024. This Motion is unopposed by the Government,
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5 by and through Assistant United States Attorney Dan Fruchter.

6 **BACKGROUND**
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8 Mr. Mize is currently charged with 106 counts in four (4) different
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10 Indictments. At this juncture, all charges contained in the four Indictments have
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12 been consolidated for trial.

13 In relation to Case No. 2:18-CR-232-TOR, the Indictment is approximately
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15 83 pages long and charges Mr. Mize with 101 counts, including Mail Fraud (18
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17 U.S.C. §§ 1341, 2); Wire Fraud (18 U.S.C. §§ 1343, 2); Conspiracy to Commit
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19 Mail Fraud and Wire Fraud (18 U.S.C. §§ 1341, 1343, 1346); Conspiracy to
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21 Commit Health Care Fraud (18 U.S.C. §§ 1347, 1349); Monetary Transactions
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23 in Property Derived from Specified Unlawful Activity (18 U.S.C. § 1957);
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25 Conspiracy to Conduct Monetary Transactions in Property Derived from
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27 Specified Unlawful Activity (18 U.S.C. §§ 1957, 1956(h)); and various
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29 Forfeiture Allegations (18 U.S.C. §§ 981(a)(1)(A), (C); 18 U.S.C. §§ 982(a)(1),
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31 (7); 28 U.S.C. 2461(c); 21 U.S.C. § 853(p)). The crux of the Government's
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allegations in this matter is that Mr. Mize and numerous co-conspirators
defrauded various insurance companies "through filing and collecting payment

1 in fraudulent insurance claims for property damages, wage loss, and bodily
2 injury” by virtue of “deliberately stag[ing] a series of automobile, boating, stair
3 fall, pedestrian/vehicle, and other accidents.” (ECF No. 1 at 9.) In Case No.
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5 2:19-CR-21-TOR, Mr. Mize is charged with three counts of Making and
6
7 Subscribing to False Income Tax Returns (26 U.S.C. § 7206(1)). Finally, Mr.
8
9 Mize is charged with two counts of Failure to Appear (18 U.S.C. §§ 3146(a)(1),
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11 (b)(1)(A)(iii), 18 U.S.C. § 3147) in Case Nos. 2:20-CR-144-TOR and 2:20-CR-
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13 145-TOR.

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15 Mr. Mize was arraigned on Case Nos. 2:20-CR-144-TOR and 2:20-CR-
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17 145-TOR on Monday, January 29, 2024. Furthermore, Mr. Mize’s pretrial
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19 release for Case Nos. 2:18-CR-232-TOR and 2:19-CR-21-TOR was formally
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21 revoked on Wednesday, January 31, 2024. Defense Counsel was appointed to
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23 represent Mr. Mize on all four matters on Thursday, January 25, 2024.

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25 The discovery for these matters is voluminous. Based upon the size
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27 thereof, Defense Counsel was provided discovery on a 2 TB (terabyte) external
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29 hard drive on or about February 7, 2024. This includes approximately 75,000
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31 pages of documents (ranging from FBI reports to Grand Jury Transcripts to
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33 medical and insurance records), various pictures, and computer imaging data.

1 Furthermore, this matter deals with novel and complex legal issues regarding
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 3 alleged fraudulent insurance schemes and tax crimes.

4
 5 Defense counsel is requesting a continuance of the Pretrial Conference and
 6 Trial Date, as well as the applicable filing deadlines, for approximately four
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 8 months to August 2024. In conjunction with this continuance request, Mr. Mize
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 10 has executed a Waiver of Speedy Trial for all four matters. Furthermore, the
 11 United States, by and through Assistant United States Attorneys Dan Fruchter,
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 13 does not oppose this continuance request.¹

14 15 **POINTS & AUTHORITIES**

16 The Speedy Trial Act provides, in pertinent part, “the trial of a defendant
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 18 charged in an information or indictment with the commission of an offense shall
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 20 commence within seventy days from the filing date (and making public) of the
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 22 information or indictment, or from the date the defendant has appeared before a
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 24 judicial officer of the court in which such charge is pending, whichever date last
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 26 occurs.” 18 U.S.C. § 3161(c)(1). A criminal defendant, the prosecution, and the
 27
 28 public have an interest in a speedy trial. *United States v. Lloyd*, 125 F.3d 1263,
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 30 1268 (9th Cir. 1997).

31 ¹ Although Mr. Mize previously had Co-Defendants in Case No. 2:18-CR-232-
 32 TOR, all Co-Defendants have pled guilty and been sentenced at this juncture.

1 Section 3161(h)(7)(A) allows the Court to grant a continuance when “the
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3 ends of justice served by taking such action outweigh the best interest of the
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5 public and the defendant in a speedy trial.” 18 U.S.C. § 3161(h)(7)(A).
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7 Congress has specified various factors for the Court to determine when
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9 analyzing the “ends of justice” for a continuance, including in pertinent part:

10 (ii) Whether the case is so unusual or so complex, due to the
11 number of defendants, the nature of the prosecution, or the
12 existence of novel questions of fact or law, that it is unreasonable to
13 expect adequate preparation for pretrial proceedings or for the trial
14 itself within the time limits established by this section.

15 ...

16 (iv) Whether the failure to grant such a continuance in a case
17 which, taken as a whole, is not so unusual or so complex as to fall
18 within clause (ii), would deny the defendant reasonable time to
19 obtain counsel, would unreasonably deny the defendant or the
20 Government continuity of counsel, or would deny counsel for the
21 defendant or the attorney for the Government the reasonable time
22 necessary for effective preparation, taking into account the exercise
23 of due diligence.

24 18 U.S.C. § 3161(h)(7)(B)(ii), (iv).

25 In the situation at hand, a continuance is warranted based upon the complex
26 nature of this matter, volume of discovery, and need for counsel to adequately
27 prepare potential defenses with Mr. Mize. See 18 U.S.C. § 3161(h)(7)(B)(ii),
28 (iv). Defense Counsel was appointed on all four matters only approximately one
29 month ago. As indicated above, discovery to date is approximately 75,000
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1 pages and is almost 2 TB of data. As such, the defense needs more time to
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3 analyze this discovery, develop potential pretrial motions, and prepare a defense
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5 with Mr. Mize. Defense counsel would not have a sufficient amount of time
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7 reasonably necessary for effective preparation if a continuance is not granted.
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9 *See* 18 U.S.C. § 3161(h)(7)(B)(iv).

10 Accompanying this Motion is a Waiver of Speedy Trial executed by Mr.
11
12 Mize. As indicated above, the Government does not oppose this continuance
13
14 request. As such, good cause exists and a continuance is warranted.

15 **CONCLUSION**

16 Based upon the foregoing, Mr. Mize respectfully requests that this Court
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18 grant Defendant's *Unopposed* Motion to Continue and move the Trial Date and
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20 associated Pretrial Deadlines approximately four months.

21 RESPECTFULLY SUBMITTED this 28th day of February, 2024.

22
23 ETTER, McMAHON, LAMBERSON,
24 VAN WERT & ORESKOVICH, P.C.

25
26 By: /s/ Andrew M. Wagley
27 Andrew M. Wagley, WSBA #50007
28 *Attorney for Defendant William Oldham Mize, IV*
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CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of February, 2024, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to all of the attorneys that have appeared in this case and have registered with the CM/ECF System.

EXECUTED this 28th day of February, 2024 in Spokane, WA.

By: /s/ Andrew M. Wagley
Andrew M. Wagley